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EXAMINER

THOMAS, JOSEPH

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 07/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/650,834

Applicant(s)

WREN, STEPHEN C.

Examiner

Alexander Kalinowski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-36,38-45,47-54,57-64 and 67-143 is/are pending in the application.
- 4a) Of the above claim(s) 117-120 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/9/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 30-36, 38-45, 47-54, 57-64, and 67-143 are pending in the instant application. Applicant filed an amendment on 10/21/2004 amending claims 44 and 70 and adding new claims 108-138. Applicant further filed an amendment on 2/25/2005 amending claims 30 and 115 and adding new claims 139-143. Applicant further filed a response to an election requirement, electing claim 116 without traverse. In light of the election requirement, claims 117-120 are withdrawn from consideration. Therefore, claims 30-36, 38-45, 47-54, 57-64, 67-116, and 121-143 are presented for examination.

Election/Restrictions

2. Applicant's election without traverse of claim 116 in the reply filed on 2/25/2005 is acknowledged. Accordingly, non-elected claims 117-120 are withdrawn from consideration.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 115, 116, 121, 122, and 140-143 are rejected under 35 U.S.C. 102(e) as being anticipated by Saigh et al., Pat. No. 5,734,823 (hereinafter Saigh).

As to claim 115, Saigh discloses An apparatus to market and/or sell goods or services over an electronic network comprising:

a first computerized central communications facility adapted to be linked to a computerized remote facility and to a plurality of other computerized central communications facilities, each of said first or other computerized central communications facilities having information relating to goods or services stored in a database (i.e. central information data bank and peripheral information data banks)(see Fig. 1, col. 4, lines 18-35 and lines 51-61 and col. 5, lines 21-30), and each of said first or other computerized central communications facilities having a processor programmed to:

receive from a customer located at said computerized remote facility a request to at least one of search, browse and access in said database at said first or other computerized central communications facility for information of interest (col. 6, lines 6-15);

enable said customer to at least one of search, browse and access said database for information of interest (col. 6, lines 6-15); and

transmit said information of interest from the database at said computerized central communications facility to said computerized remote communications facility (col. 6, lines 6-15);

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wherein at least one of said computerized central communications facilities is adapted to provide said customer information regarding rentals of products (i.e. point of rental delivery system)(col. 11, lines 18-30 and lines 43-47).

As to claim 116, Saigh discloses The apparatus of claim 115 wherein said rentals are entertainment products (i.e. point of rental delivery system)(col. 11, lines 18-42).

As to claim 121, Saigh discloses The apparatus of claim 115 wherein at least one of said computerized central communications facilities is adapted to enable said customer to print said information (col. 6, lines 16-31).

As to claim 122, Saigh discloses The apparatus of claim 115 wherein at least one of said computerized central communications facilities is configured to enable said customer to select and contact another computerized central communications facility (i.e. peripheral information data bank)(Fig. 1).

As to claim 140, Saigh discloses An apparatus to market and/or sell goods or services over an electronic network comprising:
a first computerized central communications facility adapted to be linked to a computerized remote facility and to a plurality of other computerized central communications facilities, each of said first or other computerized central communications facilities having information relating to goods or services stored in a database (see Fig. 1), and each of said first or other computerized central communications facilities having a processor (col. 6 lines 4-10, col. 7, lines 12-49 and col. 8, lines 39-65) programmed to:

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receive from a customer located at said computerized remote facility a request to at least one of search, browse and access in said database at said first or other computerized central communications facility for information of interest (col. 6, lines 5-20);

enable said customer to at least one of search, browse and access said database for information of interest (col. 6, lines 5-20); and

transmit said information of interest from the database at said computerized central communications facility to said computerized remote communications facility ;

wherein at least one of said computerized central communications facilities is adapted to provide said customer information regarding entertainment rentals (col. 6, lines 5-20, col. 7, lines 7-11 and col. 11, lines 15-19).

As to claim 141, Saigh discloses The apparatus of claim 140 wherein said rentals are movie rentals (col. 6, lines 5-20, col. 7, lines 7-11 and col. 11, lines 15-19).

As to claim 142, Saigh discloses The apparatus of claim 140 wherein at least one of said computerized central communications facilities is adapted to enable said customer to print said information (col. 6, lines 16-31).

As to claim 143, Saigh discloses The apparatus of claim 140 wherein at least one of said computerized central communications facilities is configured to enable said customer to select and contact another computerized central communications facility (i.e. peripheral information databanks)(see Fig. 1).

5. Claim 123 is rejected under 35 U.S.C. 102(e) as being anticipated by Gifford, Pat. No. 5,724,424.

As to claim 123, Gifford discloses A method for running application software in a computer network environment, comprising:

providing at least one computerized remote communications facility and at least one computerized central communications facility coupled to said network environment, wherein said network environment is a hypermedia transmitted environment (Fig. 1 and Fig. 3);

executing, at said computerized remote communications facility, browsing application software that processes a first transmitted hypermedia document to identify visual and/or audio information in said hypermedia document caused to be transmitted from said computerized central communications facility for a customer at said computerized remote communications facility (Fig. 3);

utilizing said browsing application software to display, on a monitor at said computerized remote communications facility, at least a portion of a first transmitted hypermedia document received over said network from said computerized central communications facility, wherein a portion of said first hypermedia document is displayed within a first browsing application software window on said monitor at said computerized remote communications facility (Fig. 3), wherein said computerized remote communications facility has downloaded application software from at least one of said computerized central communications facilities in a current or past session (col. 5, line 60 – col. 6, line

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2), wherein said browsing application software is operational to process information contained in said hypermedia document, and wherein said downloaded application software is operational to translate information contained in said transmitted hypermedia document in order to display in said first browsing application software window or otherwise reproduce said information at a computer for said customer at said computerized remote communications facility (Fig. 3).

Claim Rejections - 35 USC 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 30-33, 36, 39-45, 47, 49, 51, 54, 57-64, 67, 79-85, 87-90, 92, and 100 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Services: AT&T provides compass" (hereinafter AT&T) in view of Dworkin, Pat. No. 4,992,940.

As to claim 30, AT&T discloses an apparatus to market and sell goods or services over an electronic network (i.e. Directory of Directories)(see abstract) comprising:

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a first computerized central communications facility adapted to be linked to a computerized remote facility and to a plurality of other computerized central communications facilities, each of said first or other computerized central communications facilities having information relating to goods or services, and each of said first or other computerized communications facilities having a processor (i.e. one stop shopping list of all Internet's service and resources)(see abstract)

a computerized central communications facility having a processor programmed to receive from a customer located at a computerized remote facility a request to at least one of search, browse and access a computerized central communications facility for information of interest (see abstract).

enable said customer to at least one of search, browse and access for information of interest, transmit said information of interest from said computerized central communications facility to said computerized remote communications facility (see abstract).

wherein at least one of said computerized central communication s facilities is adapted to provide to said customer at said computerized remote facility a list of computerized central communications facilities permitting said customer to select and contact at least one other computerized central communications facility to request additional information relating to said goods or services (see abstract and entire document).

AT&T does not explicitly disclose

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information of interest stored in a database at said computerized central communications facility.

However, Dworkin discloses information of interest stored in a database at said computerized central communications facility (col. 3, lines 60-69, col. 4, lines 35-61, and col. 5, lines 20). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the features above as taught by Dworkin within AT&T for the motivation of providing a system for locating and purchasing products of interest to a customer (col. 1, lines 8-12 and lines 63-65).

As to claim 31, AT&T does not explicitly disclose the apparatus of claim 30, wherein said computerized central communications facility is further programmed to facilitate a transaction between said computerized central communications facility and said computerized remote communications facility.

However, Dworkin discloses a computerized central communications facility is further programmed to facilitate a transaction between said computerized central communications facility and said computerized remote communications facility (col. 2, lines 33-41 and col. 8, lines 9-37). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the apparatus of claim 30, wherein said computerized central communications facility is further programmed to facilitate a transaction between said computerized central communications facility and said computerized remote communications facility as taught by Dworkin within AT&T for the

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motivation of providing a system for locating and purchasing products of interest to a customer (col. 1, lines 8-12 and lines 63-65).

As to claim 32, AT&T does not explicitly disclose the apparatus of claim 30, wherein at least one of said computerized central communications facilities is further programmed to contact the customer and apprise said customer of goods and services offered or any special offerings.

However, Dworkin discloses wherein at least one of said computerized central communications facilities is further programmed to contact the customer and apprise said customer of goods and services offered or any special offerings (col. 9, lines 36-47). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the apparatus of claim 30, wherein at least one of said computerized central communications facilities is further programmed to contact the customer and apprise said customer of goods and services offered or any special offerings as taught by Dworkin within AT&T for the motivation of alerting the customer of any new products offered (col. 9, lines 36-47).

As to claim 33, AT&T discloses the apparatus of claim 30, wherein said computerized central communications facility and each of said other computerized central communications facilities are associated with competing providers of goods and

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services (i.e. directory of directories ... internet providers to list information about their service)(see abstract).

As to claim 36, AT&T does not explicitly disclose the apparatus of claim 35, wherein said apparatus further comprises means for recording a presentation stopping point for future reference .

However, the Examiner takes official notice that it was old and well known in the computer sales presentation arts to provide a stopping point in a user=s presentation (i.e. saving a file which represents a potential transaction). This allowed a user to resume a transaction at a later date without having to resubmit previously entered information. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include means for recording a stopping point in the customer's last on-line presentation in case contact is resumed within AT&T and Dworkin for the motivation of allowing a customer to resume a transaction at a later date without having to resubmit previously entered information.

As to claim 39, AT&T discloses the apparatus of claim 30, wherein said processor is further programmed to download software from said computerized central communications facility to said remote communications facility, said software adapted to present information of interest to said customer (see entire document).

As to claim 40, AT&T discloses the apparatus of claim 30, wherein said processor is further programmed to download software from said computerized central communications facility to said remote communications facility, said software adapted to enable the customer to communicate with said central communications facility (see entire document).

As to claim 41, AT&T does not explicitly disclose the apparatus of claim 30, wherein said processor is further programmed to download software from said computerized central communications facility to said remote communications facility, said software adapted to enable said customer to conduct a transaction using the information provided by said computerized central communications facility relating to goods and services.

However Dworkin discloses processor is further programmed to download software from said computerized central communications facility to said remote communications facility, said software adapted to enable said customer to conduct a transaction using the information provided by said computerized central communications facility relating to goods and services (Fig. 1, and col. 2, lines 20-41). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the features above as taught by Dworkin within AT&T for the motivation of providing a system for locating and purchasing products of interest to a customer (col. 1, lines 8-12 and lines 63-65).

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As to claim 42, AT&T discloses the apparatus of claim 30, wherein said processor is further programmed to provide an interactive presentation relating to goods and services (see entire document).

As to claim 43, AT&T does not explicitly disclose the apparatus of claim 42, wherein said interactive presentation includes an audio presentation in the form of a computerized voice.

However, the Examiner takes official notice that it well known in the electronic sales presentation arts to have an interactive presentation includes an audio presentation in the form of a computerized voice. The purpose of computerized voice was to have a customer friendly sales presentation. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the apparatus of claim 42, wherein said interactive presentation includes an audio presentation in the form of a computerized voice within AT&T and Dworkin for the motivation stated above.

As to claim 44, AT&T discloses an apparatus for marketing at least one of goods and services (see abstract):

a first central communications facility having information relating to goods or services to provide customer at a computerized remote facility upon request, said first central communications facility adapted to direct said customer to a second central communication facility having information relating a second set of information relating to

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goods and services to provide upon request (i.e. internet directory of directories)(see abstract);

a communication device to enable said first central communications facility to communicate with said remote facility, said communication including transmitting said first set of information from said first central communications facility to said remote facility (see abstract).

AT&T does not explicitly disclose

providing a database of information relating to goods and services.

However, Dworkin discloses providing access to a database of information relating to goods and services (col. 3, lines 60-69, col. 4, lines 35-61, and col. 5, lines 20).. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the features above as taught by Dworkin within AT&T for the motivation of providing a system for locating and purchasing products of interest to a customer (col. 1, lines 8-12 and lines 63-65).

As to claim 45, the claim is substantially similar to claim 31 and is rejected on the same basis.

As to claim 47, AT&T disclose the apparatus of claim 44, wherein said central communications facility or at least one of the other central communications facilities further provides a directory of providers of goods and services (see abstract).

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As to claim 49, the claim is substantially similar to claim 43 and is rejected on the same basis.

As to claim 51, the claim is substantially similar to claim 36 and is rejected on the same basis.

As to claim 54, AT&T does not explicitly disclose the apparatus of claim 44, further comprising a software application for assisting the central communications facility to download a contract to the computerized remote location.

However, Dworkin discloses further comprising a software application for assisting the central communications facility to download a contract to the computerized remote location (col. 8, lines 10-24). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include further comprising a software application for assisting the central communications facility to download a contract to the computerized remote location as taught by Dworkin within AT&T for the motivation of providing a system for locating and purchasing products of interest to a customer (col. 1, lines 8-12 and lines 63-65).

As to claim 57, the claim is similar in scope to claim 39 and is rejected on the same basis.

As to claim 58, the claim is similar in scope to claim 40 and is rejected on the same basis.

As to claim 59, the claim is substantially similar to claims 30 and 44 and is rejected on the same basis.

As to claim 60, AT&T discloses the method of claim 59, further comprising establishing communication with a third database containing information relating to goods and services (see Fig. 1) as explained previously in claim 44.

As to claims 61-64, the claims are similar in scope to claims 39-41 and are rejected on the same basis.

As to claim 67, the claim is similar in scope to claim 42 and is rejected on the same basis.

As to claim 79, AT&T does not explicitly disclose the apparatus of claim 44 wherein said first communications facility further enables said customer to browse said first set of information relating to goods and service.

However, Dworkin discloses the apparatus of claim 44 wherein said first communications facility further enables said customer to browse said first set of information relating to goods and service (fig. 3 and 4). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein said

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first communications facility further enables said customer to browse said first set of information relating to goods and service as disclosed in Dworkin within AT&T for the motivation of providing a system for locating and purchasing products of interest to a customer (col. 1, lines 8-12 and lines 63-65).

As to claim 80, AT&T does not explicitly disclose wherein the apparatus of claim 44 wherein said second communications facility further enables said customer to browse said second set of information relating to goods and service.

However, Dworkin discloses a communications facility further enables said customer to browse a set of information relating to goods and service (fig. 3 and 4). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein said second communications facility further enables said customer to browse said second set of information relating to goods and service as disclosed in Dworkin within AT&T for the motivation of providing a system for locating and purchasing products of interest to a customer (col. 1, lines 8-12 and lines 63-65).

As to claim 81, AT&T does not explicitly disclose the method of claim 59, further comprising enabling the remote facility to search said first database or said second database.

However, Dworkin discloses further comprising enabling the remote facility to search said first database or said second database (fig. 3 and 4). It would have been

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obvious to one of ordinary skill in the art at the time of Applicant's invention to include enabling the remote facility to search said first database or said second database as disclosed in Dworkin within AT&T for the motivation of providing a system for locating and purchasing products of interest to a customer (col. 1, lines 8-12 and lines 63-65).

As to claims 82-85, the claims are similar in scope to claims 30-33 and 78-81 and are rejected on the same basis.

Claims 87-90 are similar in scope to claims 30-33, 38-45, 59, 70, and 82 and are rejected on the same basis.

Claims 92 and 100 are similar in scope to claim 32 and are rejected on the same basis.

8. Claims 50, 72, 77, 78, 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over AT&T and Dworkin as applied to claims 30, 44, 70 and 82 above, and further in view of McCalley et al., Pat. No. 5,191,410 (hereinafter McCalley).

As to claims 50, 72, 77, 78 and 86, AT&T and Dworkin do not explicitly disclose wherein said computerized central computerized is further programmed to provide said customer with live assistance upon request.

However, McCalley discloses wherein said computerized central computerized is further programmed to provide said customer with live assistance upon request (col. 10, line 47 - col. 11, line 16). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein said computerized central computerized is further programmed to provide said customer with live assistance upon request as disclosed by McCalley within AT&T and Dworkin for the motivation of providing assistance to customer(s) who request it (col. 10, lines 47-51).

9. Claims 34, 35, 38, 48, 52, 53, 68, 69, 94, 95, 103, 107 are rejected under 35 U.S.C. 103(a) as being unpatentable over AT&T and Dworkin as applied to claims 30, 44, 59, 82, 87 above, and further in view of Filepp et al., Pat. No. 5,347,632.

As to claim 34, AT&T and Dworkin do not explicitly disclose the apparatus of claim 30, wherein at least one of said computerized central communications facility and said other computerized central communications facilities further include an audio communication device for communication with said computerized remote communications facility.

However, Filepp discloses wherein at least one of said computerized central communications facility and said other computerized central communications facilities further include an audio communication device for communication with said computerized remote communications facility (col. 8, lines 40-61, col. 83, lines 22-38 and col. 94, lines 26-50). It would have been obvious to one of ordinary skill in the art at

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the time of Applicant's invention to include wherein at least one of said computerized central communications facility and said other computerized central communications facilities further include an audio communication device for communication with said computerized remote communications facility as disclosed by Filepp within AT&T and Dworkin for the motivation of providing large numbers of users to applications containing interactive text/audio/graphics (col. 2, lines 22-27).

As to claim 35, AT&T and Dworkin do not explicitly disclose the apparatus of claim 30, wherein said computerized central communications facility and at least one of said other computerized central communications facilities is further adapted to provide information relating to goods and services in the form of an audio or video presentation

However, Filepp discloses wherein said computerized central communications facility and at least one of said other computerized central communications facilities is further adapted to provide information relating to goods and services in the form of an audio or video presentation

(col. 18, lines 40-55, col. 59, lines 53-62, col. 65, lines 50-64, col. 83, lines 3-11, col. 90, line 60 - col. 91, line 13). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein said computerized central communications facility and at least one of said other computerized central communications facilities is further adapted to provide information relating to goods and services in the form of an audio or video presentation as disclosed by Filepp within

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AT&T and Dworkin for the motivation of providing large numbers of users to applications containing interactive text/audio/graphics (col. 2, lines 22-27).

As to claim 38, AT&T and Dworkin do not explicitly disclose the apparatus of claim 37, wherein said processor is further programmed to provide targeted advertising based on said customer profile.

However, Filepp discloses a computerized system that records customer preferences (i.e. responses) with respect to products offered for sale or purchased by the customer(col. 2, lines 46-50 and col. 93, lines, lines 28-43). The recorded customer responses represent the customer profile information, detailing user activity for the customer using the computerized system (col. 5, lines 22-33). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the apparatus of claim 37, wherein said processor is further programmed to provide targeted advertising based on said customer profile as disclosed by Filepp within AT&T in order to target advertisements or product offers (i.e. information) to specific customers based on consumer marketing strategies developed from the customer profile information (col. 93, lines 39-43).

As to claim 48, the claim is substantially similar to claim 35 and is rejected on the same basis.

As to claim 52, AT&T and Dworkin do not explicitly disclose the apparatus of claim 44, wherein said goods and services include financial services.

However, Filepp discloses wherein said goods and services include financial services (col. 6, lines 10-67). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein said goods and services include financial services as disclosed by Filepp within AT&T and Dworkin for the motivation of providing large numbers of users to applications containing interactive text/audio/graphics (col. 2, lines 22-27).

As to claim 53, AT&T and Dworkin do not explicitly disclose the apparatus of claim 44, wherein said goods and services include auctioning services.

However, Filepp discloses wherein said goods and services include auctioning services (i.e. stocks and bonds)(col. 6, lines 10-67). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein said goods and services include auctioning services as disclosed by Filepp within AT&T and Dworkin for the motivation of providing large numbers of users to applications containing interactive text/audio/graphics (col. 2, lines 22-27).

As to claim 68, the claim is similar in scope to claim 35 and is rejected on the same basis.

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As to claim 69, the claim is similar in scope to claim 36 and is rejected on the same basis.

As to claim 94, AT&T and Dworkin do not explicitly disclose apparatus of claim 82 wherein at least one of the computerized central communications facility is configured to verify the identity of said customer.

However, Dworkin discloses the computerized central communications facility is configured to verify the identity of said customer (i.e. logon)(col. 8, lines 40-61). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein at least one of the computerized central communications facility is configured to verify the identity of said customer as disclosed by Filepp within AT&T and Dworkin to provide services to users based on user demographics (col. 2, lines 40-45)

As to claims 95 and 103, AT&T and Dworkin do not explicitly disclose providing information regarding the sale or financing of housing.

However, Filepp discloses wherein said goods and services include financial services (col. 6, lines 10-67). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include providing information regarding the sale or financing of housing as disclosed by Filepp within AT&T and Dworkin for the motivation of providing large numbers of users to applications containing interactive text/audio/graphics (col. 2, lines 22-27).

As to claim 107, the claim is similar in scope to claim 53 and is rejected on the same basis.

Claims 91, 99, 100 are rejected under 35 U.S.C. 103(a) as being unpatentable over AT&T and Dworkin as applied to claims 82 and 87 above, and further in view of Anonymous, "Prodigy Services add Offerings"(hereinafter Offerings).

As to claims 91 and 99, AT&T and Dworkin do not explicitly disclose at least one of said computerized central communications facilities is configured to initiate contact with said customer.

However, Offerings discloses at least one of said computerized central communications facilities is configured to initiate contact with said customer (i.e. electronic reminders)(page 1). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include at least one of said computerized central communications facilities is configured to initiate contact with said customer as disclosed by Offerings within AT&T and Dworkin for the motivation of offering special interest offerings to customers (see page 1).

As to claim 100, the claim is similar in scope to claim 32 and is rejected on the same basis.

10. Claims 70-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over AT&T in view of Dworkin and McCalley.

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As to claim 70, AT&T discloses an apparatus for marketing goods and services (see abstract), comprising:

a central communications facility to provide information relating to goods and services to a customer at a computerized remote facility, said central communications facility adapted to direct said customer to at least one other central communications facility providing information to goods or services (see abstract);

a second communication device at said central communications facility associated with a second communication path for providing a second communication between said central communications facility and said computerized remote facility (see abstract)

AT&T does not explicitly disclose

a database of information relating to goods and services accessible by said customer at said remote facility.

However, Dworkin discloses a database of information relating to goods and services accessible by said customer at said remote facility(i.e. modem)(see Fig. 1 a database of information relating to goods and services accessible by said customer at said remote facility (col. 3, lines 60-69, col. 4, lines 35-61, and col. 5, lines 20). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the features above as taught by Dworkin within AT&T in order to provide a system for locating and purchasing products of interest to a customer (col. 1, lines 8-12 and lines 63-65).

AT&T and Dworkin do not explicitly disclose

a first communication device associated with said central communications facility for providing live communication between the central communications facility and said computerized remote facility.

However, McCalley discloses a first communication device associated with said central communications facility for providing live communication between the central communications facility and said computerized remote facility (col. 10, line 47 - col. 11, line 16). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include a first communication device associated with said central communications facility for providing live communication between the central communications facility and said computerized remote facility as disclosed by McCalley within AT&T and Dworkin for the motivation of providing assistance to customer(s) who request it (col. 10, lines 47-51).

As to claim 71, the claim is similar in scope to claim 47 and is rejected on the same basis.

As to claims 73-76, the claims are similar in scope to claims 39-41 and are rejected on the same basis.

11. Claims 93, 96-98, 101, 104-106 are rejected under 35 U.S.C. 103(a) as being unpatentable over AT&T and Dworkin as applied to claims 82, 87 above, and further in view of Examiner's use of Official Notice.

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As to claims 93, 101, AT&T and Dworkin do not explicitly disclose at least one of said computerized central communications facilities configured to provide employee recruiting information.

However, the Examiner takes official notice that it was well known in the electronic arts to provide employee recruiting information. The purpose of electronically providing recruiting information was to take advantage of a large audience of customers that are more likely to meet recruiting requirements. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include at least one of said computerized central communications facilities configured to provide employee recruiting information within AT&T and Dworkin for the motivation stated above.

As to claims 96, 97, 104, 105, AT&T and Dworkin do not explicitly disclose at least one of said computerized central communications facilities configured to provide coupons.

However, the Examiner takes official notice that it was well known in the electronic arts to provide coupons for goods or services. The motivation was to provide customers with an incentive to purchase goods and services offered by a provider. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include at least one of said computerized central communications facilities configured to provide coupons within AT&T and Dworkin for the motivation stated above.

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As to claims 98, 106, AT&T and Dworkin do not explicitly disclose at least one of said computerized central communications facilities configured to charge customers a fee to obtain access to said information relating to goods or services.

However, the Examiner takes official notice that it was well known in the electronic arts to charge customers a fee for information. The motivation was to insure vendors are reimbursed for provided services. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include at least one of said computerized central communications facilities configured to charge customers a fee to obtain access to said information relating to goods or services within AT&T and Dworkin for the motivation stated above.

12. Claims 108, 110-114 and 139 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saigh in view of Lockwood, Pat. No. 5,576,951.

As to claim 108, Saigh discloses A marketing apparatus for use with a distant communication, including means for storing a digital image and a data record of a good for sale within said distant communication apparatus and a means for transmitting said digital image and data record to said marketing apparatus (see abstract), said marketing apparatus comprising:

a communication means for communicating with said distant communications apparatus (see Fig. 1, col. 4, lines 18-35 and lines 51-61 and col. 5, lines 21-30);

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a processor operably connected to said communications means, said processor receiving the data record of a good for sale from said distant communications apparatus, said processor receiving an identification code from said distant communications apparatus (i.e. ISBN codes)(col. 6 lines 4-10, col. 7, lines 12-49 and col. 8, lines 39-65);

a storage device operably connected to said processor, said storage device adapted to receive said data record of a good for sale, said data record containing a written description of said good for sale (col. 8, lines 52-57);

a transaction processor operably connected to said communications link and said storage device, said transaction processor adapted to enable customer to tender payment, and to approve said payment means (col. 8, lines 21-24); and

a transaction record means operably connected to said transaction processor, said transaction record means transmitting to said customer in response to said purchase request a record of said transaction (col. 8, lines 29-32).

Saigh does not explicitly disclose

said data record includes an image of said good for sale and presentation software operably connected to said storage device and a communications link, said presentation software providing, via said communications link, an interface to said marketing apparatus for a customer, thereby giving the customer access to said data record written description and said image of said good for sale.

However, Lockwood discloses a data record includes an image of the good for sale (i.e. pictorial representations)(col. 16, lines 24-35) and presentation software operably connected to said storage device and a communications link, said presentation software providing, via said communications link, an interface to said marketing apparatus for a customer, thereby giving the customer access to said data record written description and said image of said good for sale (audio visual data sources ... textual information)(col. 8, lines 40-43 and 54 – col. 9, line 31). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Lockwood within Saigh for the motivation of providing an automatic and efficient system which is useful for dispensing information, goods and services for a wide variety of service industries (col. 6, lines 39-41)

As to claim 110, Saigh discloses The marketing apparatus of claim 108 wherein at least one of said apparatus is configured to provide a coupon relating to said goods or services to said customer (col. 14, lines 21-25).

As to claim 111, Saigh does not explicitly disclose The marketing apparatus of claim 108 wherein at least one of said apparatus is configured to provide information about the sale or financing of vehicles.

However, Lockwood discloses wherein at least one of said apparatus is configured to provide information about the sale or financing of vehicles (i.e. car

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loans)(col. 12, lines 47-67). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Lockwood within Saigh for the motivation of providing an interactive device to inquire about loans and reduce the time and cost in processing loans (col. 6, lines 13-20).

As to claim 112, Saigh discloses The marketing apparatus of claim 108 wherein at least one of said computerized central communications facilities is configured to enable said customer to select and contact another computerized central communications facility (i.e. peripheral information data bank)(Fig. 1).

As to claim 113, Saigh discloses The marketing apparatus of claim 108 wherein at least one of said apparatus is configured to contact said customer and apprise said customer of goods or services offered or any special offerings (Col. 14, lines 21-25).

As to claim 114, Saigh discloses The marketing apparatus of claim 108 wherein at least one of said apparatus is configured to initiate contact with said customer (i.e. promotional delivery system)(col. 14, lines 16-25).

13. Claim 109 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saigh and Lockwood as applied to claim 108 above, and further in view of Ferguson et al., Pat. No. 5,819,092 (hereinafter Ferguson).

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As to claim 109, Saigh does not explicitly disclose The marketing apparatus of claim 108 wherein at least one of said apparatus is configured to provide auctioning services.

However, Ferguson discloses wherein at least one of said apparatus is configured to provide auctioning services (col. 9, lines 44-53). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Ferguson within Saigh for the motivation of commerce enabling any information source that is electronically available (col. 8, lines 55-59).

14. Claim 139 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saigh as applied to claim 115 above, and further in view of Lockwood.

As to claim 139, Saigh does not explicitly disclose The apparatus of claim 115 wherein said rentals are travel rentals.

However, Lockwood discloses wherein said rentals are travel rentals (i.e. car rental)(see Fig. 1). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed in Lockwood within Saigh for the motivation of reducing the need for traveling to stores for multiple products (col. 4, lines 27-40).

15. Claim 124 rejected under 35 U.S.C. 103(a) as being unpatentable over Saigh as applied to claim 124 above, and further in view of Saigh.

As to claim 124, Gifford does not explicitly disclose The method of claim 123 wherein at least one of said computerized central communications facilities is configured to provide a coupon relating to goods or services to said customer.

However, Saigh discloses wherein at least one of said computerized central communications facilities is configured to provide a coupon relating to goods or services to said customer (col. 14, lines 21-25). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Saigh within Gifford for the motivation of providing a system that reduces the costs associated with the publication and distribution of information (col. 2, lines 56-60).

16. Claim 125 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gifford as applied to claim 123 above, and further in view of Ferguson.

As to claim 125, Gifford does not explicitly disclose The method of claim 123 wherein at least one of said computerized central communications facilities is configured to provide auctioning services.

However, Ferguson discloses wherein at least one of said computerized central communications facilities is configured to provide auctioning services (col. 9, lines 44-53). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Ferguson

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within Gifford for the motivation of commerce enabling any information source that is electronically available (col. 8, lines 55-59).

17. Claim 126 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gifford as applied to claim 123 above, and further in view of Lockwood.

As to claim 126, Gifford does not explicitly disclose The method of claim 123 wherein at least one of said computerized central communications facilities is configured to provide information about the sale or financing of vehicles.

However, Lockwood discloses wherein at least one of said computerized central communications facilities is configured to provide information about the sale or financing of vehicles (i.e. car loans)(col. 12, lines 47-67). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Lockwood within Gifford for the motivation of providing an interactive device to inquire about loans and reduce the time and cost in processing loans (col. 6, lines 13-20).

18. Claims 127-129 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gifford as applied to claim 123 above, and further in view of Saigh.

As to claim 127, Gifford does not explicitly disclose The method of claim 123 wherein at least one of said computerized central communications facilities is

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configured to enable said customer to select and contact another computerized central communications facility.

However, Saigh discloses wherein at least one of said computerized central communications facilities is configured to enable said customer to select and contact another computerized central communications facility (i.e. peripheral information data bank)(Fig. 1). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Saigh within Gifford for the motivation of providing a system that reduces the costs associated with the publication and distribution of information (col. 2, lines 56-60).

As to claim 128, Gifford does not explicitly disclose The method of claim 123 wherein at least one of said computerized central communications facilities is configured to contact said customer and apprise said customer of goods or services offered or any special offerings.

However, Saigh discloses wherein at least one of said computerized central communications facilities is configured to contact said customer and apprise said customer of goods or services offered or any special offerings (Col. 14, lines 21-25). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Saigh within Gifford for the motivation of providing a system that reduces the costs associated with the publication and distribution of information (col. 2, lines 56-60).

As to claim 129, Gifford does not explicitly disclose The method of claim 123 wherein at least one of said computerized central communications facilities is configured to initiate contact with said customer.

However, Saigh discloses wherein at least one of said computerized central communications facilities is configured to initiate contact with said customer (i.e. promotional delivery system)(col. 14, lines 16-25). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Saigh within Gifford for the motivation of providing a system that reduces the costs associated with the publication and distribution of information (col. 2, lines 56-60).

19. Claim 130-132 and 135-137 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saigh in view of

As to claim 130, Saigh discloses A method for enabling a remote user to purchase a portion of a pre-recorded entertainment product from a network computerized central communications facility containing pre-selected portions of different pre-recorded entertainment products, using a computer, a computer display and a telecommunications link between the remote user's computer and the network computerized central communications facility (i.e. rental delivery system)(col. 7, lines 5-11 and , the method comprising the steps of

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- a) using the remote user's computer to establish a telecommunications link to the network computerized central communications facility wherein the network computerized central communications facility (col. 5, lines 5-30) comprises
 - (i) a central computer coupled to a communications network for retrieving and transmitting the pre-selected portion of the pre-recorded entertainment product upon request by a remote user (col. 6, lines 4-31) and
 - (ii) a central storage device for storing pre-selected portions of a plurality of different pre-recorded entertainment products (col. 6, lines 4-31);
- b) choosing at least one pre-selected portion of the pre-recorded entertainment products from said central computer (col. 6, lines 4-31);
- c) receiving the chosen pre-selected portion of the pre-recorded products (col. 6, lines 4-31); and

Saigh does not explicitly disclose

- d) interactively previewing the received chosen pre-selected portion of the pre-recorded entertainment product.

However, Intouch discloses interactively previewing the received chosen pre-selected portion of the pre-recorded entertainment product (i.e. sample and purchase music over the Internet)(page 1, paragraph 1). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Intouch within Saigh for the motivation of providing customers with easy access to a large number of titles (page 1, paragraph 2).

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As to claim 131, Saigh discloses The method of claim 130 wherein the method further comprises the step of transmitting user identification data from the remote user's computer to the central host server thereby allowing the central host server to identify and track the user's progress through the network computerized central communications facility (i.e. customer codes)(col. 10, lines 52-61).

As to claim 132, Saigh discloses The method of claim 130 wherein said network comprises multiple computerized central communications facilities (Fig. 1) and wherein at least one of said computerized central communications facilities is configured to provide a coupon relating to said goods or services to said customer (col. 14, lines 15-25).

As to claim 135, Saigh discloses The method of claim 130 wherein said network comprises multiple computerized central communications facilities and wherein at least one of said computerized central communications facilities is configured to enable said customer to select and contact another computerized central communications facility (see Fig. 1).

As to claim 136, Saigh discloses The method of claim 130 wherein said network comprises multiple computerized central communications facilities and wherein at least one of said computerized central communications facilities is configured to contact said

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customer and apprise said customer of goods or services offered or any special offerings (i.e. promotional delivery system)(col. 14, lines 15-25).

As to claim 137, Saigh discloses The method of claim 130 wherein said network comprises multiple computerized central communications facilities and wherein at least one of said computerized central communications facilities is configured to initiate contact with said customer (i.e. promotional delivery system)(col. 14, lines 15-25).

20. Claim 133 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saigh and Intouch as applied to claim 130 above, and further in view of Ferguson.

As to claim 133, Saigh discloses The method of claim 130 wherein said network comprises multiple computerized central communications facilities (Fig. 1)

Saigh and Intouch does not explicitly disclose

wherein at least one of said computerized central communications facilities is configured to provide auctioning services.

However, Ferguson discloses wherein at least one of said computerized central communications facilities is configured to provide auctioning services (col. 9, lines 44-53). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Ferguson within Saigh and Intouch for the motivation of commerce enabling any information source that is electronically available (col. 8, lines 55-59).

21. Claim 134 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saigh and Intouch as applied to claim 130 above, and further in view of Lockwood.

As to claim 134, Saigh discloses The method of claim 130 wherein said network comprises multiple computerized central communications facilities (Fig. 1)

Saigh does not explicitly disclose

wherein at least one of said computerized central communications facilities is configured to provide information about the sale or financing of vehicles.

However, Lockwood discloses wherein at least one of said computerized central communications facilities is configured to provide information about the sale or financing of vehicles (i.e. car loans)(col. 12, lines 47-67). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Lockwood within Saigh and Intouch for the motivation of providing an interactive device to inquire about loans and reduce the time and cost in processing loans (col. 6, lines 13-20).

22. Claim 138 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saigh in view of Ferguson.

As to claim 138, Saigh discloses An apparatus for marketing goods and/or services, comprising:

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a computerized central communications facility providing information relating to goods and/or services to customers at a plurality of computerized remote facilities, each of said plurality of computerized remote facilities remote from and linked to said computerized central communications facility (Fig. 1); and

a database of information relating to said goods and/or services accessible to customers at said plurality of computerized remote facilities Fig. 1);

Saigh does not explicitly disclose

wherein said computerized central communications facility provides auctioning services including receipt of auction bids placed by customers from said plurality of computerized remote facilities.

However, Ferguson discloses wherein said computerized central communications facility provides auctioning services including receipt of auction bids placed by customers from said plurality of computerized remote facilities (col. 9, lines 44-53). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Ferguson within Saigh for the motivation of commerce enabling any information source that is electronically available (col. 8, lines 55-59).

Double Patenting

23. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11

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F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.3218 may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

24. Claims 30 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of U.S. Patent No. 6,055,514 in view of AT&T and Dworkin.

As to claim 30, the '514 patent discloses an apparatus to market and sell goods and/or services over an electronic network (see claim 2) comprising:

a computerized central communications facility having information relating to goods and/or services stored in a database, said computerized communications facility having a processor programmed to (see claim 1):

receive from a customer located at a computerized remote facility a request to search in the database at the computerized central communications facility for information of interest (claim 1);

provide said customer with live assistance upon request (claim 2);

enable said customer to search said database for information of interest, direct a transmitter at said computerized central communications facility to transmit said

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information of interest from the database at said computerized central communications facility to said computerized remote communications facility (claim 1); and

The '514 patent does not explicitly disclose

a computerized central communications facility adapted to be linked to a computerized remote facility and a plurality of other computerized central communications facilities and to a network.

However, AT&T discloses a computerized central communications facility adapted to be linked to a computerized remote facility and a plurality of other computerized central communications facilities and to a network (i.e. directory of directories)(see abstract).

The '514 patent does not explicitly disclose

periodically update said database in said computerized central communications facility.

However, Dworkin discloses periodically update said database in said computerized central communications facility (i.e. new product information)(col. 9, lines 36-47). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the features above as taught by Dworkin within the '514 patent in order to provide a system for locating and purchasing products of interest to a customer (col. 1, lines 8-12 and lines 63-65).

25. Claims 108-114 and 130-143 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of U.S.

Patent No. 6,055,514 in view of Saigh, Ferguson, inTouch and Lockwood

As to claims 108-114 and 130-143, the '514 patent discloses a method and an apparatus to market and sell goods and/or services over an electronic network as discussed above.

The '514 patent does not explicitly disclose a computerized central communications facility adapted to be linked to a computerized remote facility and a plurality of other computerized central communications facilities and to a network.

However, Saigh, Ferguson, inTouch and Lockwood disclose a computerized central communications facility adapted to be linked to a computerized remote facility and a plurality of other computerized central communications facilities and to a network (i.e. peripheral information data bank)(see Saigh, Fig. 1). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Saigh within the '514 patent for the motivation of providing a system that reduces the costs associated with the publication and distribution of information (col. 2, lines 56-60).

Response to Arguments

26. Applicant's arguments filed 10/21/2004 have been fully considered but they are not persuasive. Applicant argues that a prima facie case of obviousness has not been presented by the Examiner.

Initially, Applicant argues that the Examiner fails to explain any motivation to combine the references and in fact the Examiner failed to cite motivation to combine

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from the references. The Examiner disagrees. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the Examiner explicitly explained the motivation to combine the references within the rejection of the claims. In fact, the Examiner cited motivation to combine the references directly from the references themselves. Applicant further argued that the rejection should be withdrawn since the Examiner failed to provide motivation to combine. In response, not only did the Examiner provide motivation to combine but clearly pointed out the motivation to combine by citing motivation to combine from the references themselves. Therefore, Applicant's arguments directed to motivation to combine the references are deemed nonpersuasive.

In addition, it seems that Applicant argues that the Dworkin and AT&T references cannot be properly combined because combining Dworkin with AT&T changes the principles of operation of AT&T. In response to applicant's argument that combining Dworkin with AT&T changes the principles of operation of AT&T, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the

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test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

The Examiner cited the Dworkin reference for certain teachings. Applicant's characterization of the AT&T reference is incomplete. The database that Applicant refers to is a listing of services and contact information, specifically how a user can connect to the listed services using a computer. Both the AT&T reference and the Dworkin reference are directed to a listing of services. Applicant continuously describes AT&T as a listing service for scientific information. AT&T discloses that as of the reference's publication date, the Internet clearly was in use for and by commercial users (page 2). Furthermore, as disclosed in the Gifford reference, commercial information (i.e. product information) on the Internet was available for purchase at least since 12/1993 (see Gifford, abstract). Therefore, Applicant's narrow characterization of the AT&T and Dworkin references and arguments based on bodily incorporation of the systems represented in the two references is non persuasive.

Applicant argues that the AT&T reference does not explicitly disclose "provide to the customer at said computerized remote facility a list of computerized centralized facilities permitting said customer to select and contact at least one other computerized central communications facility to request additional information relating to goods and services. Additionally Applicant argues that AT&T does not disclose " first computerized central facility adapted to be linked to a computerized remote facility and to a plurality of other computerized central communications facilities". The Examiner disagrees. As pointed out by Applicant, AT&T discloses a directory of directories that "provides

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information so the user knows where to look to find out where the info is located”

(Response, page 11). More specifically, the AT&T reference describes a road map to users of the Internet (AT&T, abstract). In addition, the AT&T reference discloses a web site that provides a one stop shopping list for all the Internet's services (AT&T, abstract). Moreover, users access the AT&T service by the use of network information tools such as Gopher (AT&T, see abstract). Clearly the AT&T reference describes a list of resources and information that is available in a database. The database is accessible to users over a computer network (i.e. Internet) through network information tools (i.e. Gopher). AT&T at the very least suggests or implies that a user (i.e. customer) uses a computer (i.e. computerized remote facility) to link (i.e. network connection) to AT&T's directory of directories (i.e. central communications facility). The AT&T site provides information on other resources on the Internet (AT&T, page 2)(i.e. first computerized central communications facility adapted to be linked to a plurality of other computerized central communications faculties). Moreover, the AT&T site is “adapted to be linked to” other sites by providing information on where to access other information sources on the Internet. It seems that Applicant argues the claims language requires one centralized communications facility to directly connect, through a network connection, a remote user to another centralized communications facility. However, this feature has not been claimed and the Examiner will not consider this limitation. The AT&T site is adapted to be linked to other sites since the site is located on the Internet along with other sites containing information. Once the user obtains information of interest from the AT&T site, the user may connect to another site. Therefore, the AT&T site is adapted to

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be linked to other centralized communications facilities on the Internet. Therefore Applicant's arguments directed to the AT&T reference are deemed nonpersuasive.

With respect to claim 32, Applicant argues that neither AT&T nor Dworkin disclose "central communications facility is programmed to contact the customer and apprise said customer of goods and services offered or any special offerings". The Examiner disagrees. Dworkin discloses a submenu that apprises a user of new product offerings. The central communications facility of Dworkin is clearly programmed to present these new product offerings to the customer via this sub-menu. In addition, the central communications facility is programmed to contact the customer with this information in that the central communications facility by programming the central communications facility to automatically present this information to the user as part of the electronic catalog. Therefore, Applicant's arguments directed to this feature are non persuasive.

With respect to claims 39 and 40, Applicant argues that nowhere in the AT&T reference is software downloaded to the Applicant. The Examiner disagrees. In AT&T, a directory of directories is displayed to a customer (page 2). The customer's computer displays this information by accessing the information at the AT&T web site. Clearly, the information is downloaded to the customer computer from the AT&T web site in order for the information to be displayed to the customer. Therefore, Applicant's arguments are non persuasive.

With respect to claim 41, Applicant argues that Dworkin does not disclose that software can be downloaded from the computerized central communications facility to

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the computerized remote communications facility. The Examiner disagrees. Dworkin initially discloses that a plurality of remote terminals may be connected to the central computer in order to support multiple users (col. 9, lines 1-16). It is also clear that the user can display all of the menus generated by the Dworkin central computer.

Therefore, the central computer downloads software from the central computer to the remote computer and Applicant's arguments are deemed non persuasive.

With respect to claim 44, Applicant presents similar arguments to the arguments presented above and the Examiner refers Applicant to the response to arguments above.

With respect to claim 54, Applicant argues that Dworkin does not disclose "a software application for assisting the central communications facility to download a contract to the computerized remote location". The Examiner disagrees. First, Dworkin discloses that the transaction number is sent electrically to the user (col. 8, lines 25-37). The transaction number represents the order for the product or service that is transmitted by the system to the supplier/vendor (i.e. contract). Therefore, Applicant's arguments are deemed non persuasive.

With respect to claim 59, Applicant asserts that the references do not disclose the claimed limitations of claim 59. The Examiner notes that the feature was rejected by the Examiner and the Applicant is required to explain why the references do not disclose the claimed limitations (see MPEP 714.02). Therefore, the Applicant does not overcome the rejection of the claim.

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With respect to claim 60, Applicant repeats similar arguments that were addressed previously by the Examiner and the Examiner refers the Applicant to the response to arguments above.

With respect to claims 80 and 81, Applicant argues that the AT&T and Dworkin references do not disclose an interactive link with multiple central facilities and databases of goods and products not does it provide that a customer may browse the databases. The Examiner disagrees. The Examiner notes that the feature was rejected by the Examiner and the Applicant is required to explain why the references do not disclose the claimed limitations (see MPEP 714.02). Therefore, the Applicant does not overcome the rejection of the claim.

With respect to claims 82, 87, 88, 89, and 90, the Applicant presents similar arguments that were presented for previous claims and the Examiner refers Applicant to the response to arguments presented above.

With respect to claims 92 and 100, the Applicant presents similar arguments that were presented for previous claims and the Examiner refers Applicant to the response to arguments presented above.

With respect to claims 50, 72, 77, 77, 78, and 86, Applicant argue that the Examiner did not provide any motivation to combine the references. The Examiner notes that not only did the Examiner cite motivation to combine the reference, the motivation was cited directly from the references themselves. In addition, Applicant argues that the AT&T reference cannot be properly combined. The Examiner addressed this argument in a previous claim and the Examiner refers Applicant to the response to

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arguments above. Lastly, the Applicant argues that the McCalley reference cannot be combined with the AT&T and Dworkin references since in McCalley the customer is only permitted a single source of information. The Examiner notes that the McCalley reference was cited for specific teachings, not for the system disclosed in McCalley. Therefore, the combination is proper and Applicant's arguments are deemed non persuasive.

With respect to claims 34, 35, 38, 48, 52, 53, 68, 69, 94, 95, 103 and 107, Applicant argues that the Examiner did not provide any motivation to combine the references. The Examiner notes that not only did the Examiner cite motivation to combine the reference, the motivation was cited directly from the references themselves. In addition, Applicant argues that the AT&T reference cannot be properly combined. The Examiner addressed this argument in a previous claim and the Examiner refers Applicant to the response to arguments above. Lastly, the Applicant argues that the Filepp reference cannot be combined with the AT&T and Dworkin references since in Filepp the customer is only permitted a single source of information. The Examiner notes that the Filepp reference was cited for specific teachings, not for the system disclosed in Filepp. Therefore, the combination is proper and Applicant's arguments are deemed non persuasive.

With respect to claims 53 and 107, Applicant argues that Filepp does not disclose providing auction services. The Examiner notes that the cited passage describes electronic quotes for stock and a buy/sell order for stock. Such a system contemplates a type of auction system in that various offers and differing quotes for

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stocks may be received. Prices for stock are dynamic or fluid and as such reflect the fluctuations that are part of an exchange. Such a system is more on the order of a bidding system that is represented by auctions. Therefore, Applicants arguments are deemed nonpersuasive.

With respect to claim 91, 99 and 100, Applicant presents similar arguments that have been addressed previously and the Examiner refers Applicant to the response to arguments above.

With respect to claims 70-76, Applicant presents similar arguments that have been addressed previously and the Examiner refers Applicant to the response to arguments above.

With respect to claims 93, 96-98, 101, and 104-106, Applicant presents similar arguments that have been addressed previously and the Examiner refers Applicant to the response to arguments above. In addition, Applicant has not challenged Examiner's use of official notice and therefore, Applicant's lack of challenge constitutes Applicant's agreement that these limitations were well known in the art.

With respect to the double patenting rejection, the Examiner finds Applicant's arguments with respect to claims 31-36, 38-45, 47-54, 57-64 and 67-107 to be persuasive and the Examiner withdraws the double patenting rejection of these claims. However, the Examiner maintains the rejection of claim 30. Applicant's presents similar arguments that have been addressed previously and the Examiner refers Applicant to the response to arguments above.

With respect to newly added claims 108-143, Applicants arguments are moot in light of newly established grounds of rejection for these claims as set forth in the next section above.

Conclusion

27. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

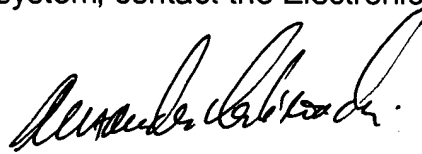
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Kalinowski whose telephone number is (571) 272-6771. The examiner can normally be reached on Monday to Wednesday, 9:00 am to 6:30 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alexander Kalinowski
Primary Examiner
Art Unit 3626

6/20/05